

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PAUL CASTONGUAY,)	4:10CV3207
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
TECUMSEH STATE PRISON, and)	
MAILROOM STAFF,)	
)	
Defendants.)	

This matter is before the court on Plaintiff's Motion for Leave to Proceed In Forma Pauperis ("IFP"). (Filing No. [2](#).) Pursuant to the Prison Litigation Reform Act, a prisoner may not bring a civil action and proceed IFP if the prisoner has, on three or more occasions, while incarcerated, brought an action or appeal in federal court that was dismissed because it was frivolous, malicious, or failed to state a claim upon which relief may be granted. [28 U.S.C. § 1915\(g\)](#).

Plaintiff brought three cases,¹ while incarcerated, that were dismissed because they failed to state a claim upon which relief could be granted. Accordingly, Plaintiff has until December 1, 2010, to show cause why this matter should not be dismissed pursuant to [28 U.S.C. § 1915\(g\)](#). Alternatively, Plaintiff may pay the full \$350.00 filing fee no later than December 1, 2010. In the absence of good cause shown or the

¹ *Castonguay v. Douglas County Attorney Office*, No. 8:09CV392 (D. Neb.), dismissed on April 9, 2010. (Case No. 8:09CV392, Filing Nos. [11](#) and [12](#).) *Castonguay v. Douglas County Correction Center*, No. 8:09CV225 (D. Neb.), dismissed on November 3, 2009. (Case No. 8:09CV225, Filing Nos. [14](#) and [15](#).) *Castonguay v. State of Nebraska*, No. 8:09CV221 (D. Neb.), dismissed on November 3, 2009. (Case No. 8:09CV221, Filing Nos. [15](#) and [16](#).)

payment of the full filing fee, Plaintiff's Complaint will be dismissed without further notice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP (filing no. [2](#)) is denied. Plaintiff has until December 1, 2010, to either show cause why this case should not be dismissed pursuant to [28 U.S.C. §1915\(g\)](#) or pay the full \$350.00 filing fee. In the absence of either action by Plaintiff, this matter will be dismissed without further notice.

2. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: December 1, 2010: Deadline for Plaintiff to show cause or pay full filing fee.

DATED this 2nd day of November, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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